
From: Waye, Don
To: Sweeney, Stephen
Sent: 2/3/2015 6:32:53 PM
Subject: RE: CZARA Heads-up: Legal review needed for Illinois CNP Findings Document
Attachments: CZARA_1991_Pgm_Dvpt+Approval_Guidance.pdf

See bottom of numbered p. 12 & all of p. 13 in the attached program guidance (virtual pp. 20-21 in the PDF). It begins: "Second, states may exclude certain sources within retained categories and subcategories if those sources, individually and cumulatively, do not and are not reasonably expected to contribute significantly to coastal water pollution or do not or are not reasonably expected to pose an unacceptable risk."

Illinois doesn't have any forestry activities—and indeed barely any forested lands along the 96.5 sm sliver of Lake Michigan shoreline, otherwise known as Chicagolands. Further, there is no prospect of silviculture industry along this sliver of Chicagolands. So Illinois requested exclusions for the forestry MMs—and for Ag, too. If it had any real silviculture or ag there, we would have denied Illinois' request. Obviously, forestry and ag dominate in Oregon's CNP management area. HOWEVER, if Oregon wants to take the trouble to reverse the flow of all its rivers and push them back across the continental divide—or perhaps into the Great Salt Lake, I, for one, would be fine with granting Oregon a waiver for pretty much everything. J

From: Sweeney, Stephen
Sent: Tuesday, February 03, 2015 6:10 PM
To: Waye, Don
Subject: RE: CZARA Heads-up: Legal review needed for Illinois CNP Findings Document

What is an "exclusion request" ... and why didn't Oregon ask for one?

From: Waye, Don
Sent: Tuesday, February 03, 2015 6:06 PM
To: Sweeney, Stephen
Cc: Hall, Lynda
Subject: CZARA Heads-up: Legal review needed for Illinois CNP Findings Document

Steve,

Now that the Oregon CZARA race to Jan. 30 is in our rear view mirror, I need to give you a heads-up about another state coastal nonpoint program that we are turning our attention to.

Illinois is the last possible state that is eligible to join the coastal zone management program, and in fact it has. (Alaska can re-join, since it dropped out, but we have heard no news about any shift in state politics that would re-open that door.) Illinois submitted its coastal nonpoint program to NOAA/EPA last July 31, and according to the statute, we have 6 months to confer a decision on the status of that program. Oops. That deadline passed last weekend.

NOAA and EPA program staff have been sharing drafts of our Findings Document, and have scheduled a 2nd call on 2/17 to finalize it at the program level. We anticipate that by the 3rd week of July, we will be ready to pass this "final draft" over to you and a NOAA counterpart (likely someone other than Jeff Dillen; in the past, this review has been performed by NOAA's Stephanie Campbell). The final version of this Findings Document will go out for public review & comment via a Federal Register Notice.

So this is just a heads-up that I will be requesting a chunk of your time to review this document toward the end of this month. We are hoping for a relatively short turn-around time (~2 weeks?) for your review, given the fact that we are already late with our decision. (Oregon crunch is partly to blame...)

The good news is that there are aspects of Illinois' program that simplify expectations:

- NOAA and EPA have approved a 96.5 square mile boundary—probably the smallest of any coastal state or

territory. Only slivers of 2 counties are involved.

- Illinois has applied for, and NOAA and EPA have accepted, exclusion requests for Agriculture and Forestry
- The urban MMs are scaled back because the entire coastal nonpoint management area is comprised of MS4s regulated with point source permits.

Will this timing work for you?

Don Waye

U.S. EPA - Nonpoint Source Control Branch

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